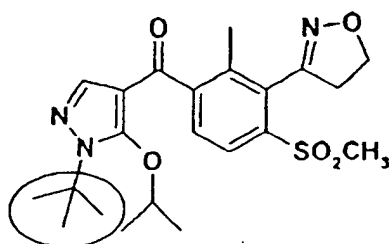


### REMARKS

The claims currently in the application are claims 1-6, 10, 12 and 14-18. Claims 8 and 9 have been canceled, and claims 15-18 have been added. With respect to claim 11, the examiner will note that claims 11 and 13 were canceled in the Preliminary Amendment filed with this national stage application.

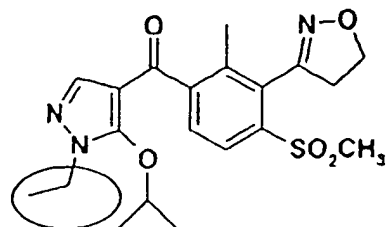
The examiner has rejected claims 1-6, 10, 12 and 14 under 35 USC § 103(a) as being obvious over VonDeyn et al., US 5,846,907, as well as VonDeyn et al., WO 98/31681. These references, as well as VonDeyn et al., WO 98/31682, teach 3-heterocyclyl-substituted benzoyl derivatives which are linked with a pyrazole moiety via the carbonyl bridge of the benzoyl fragment. The definition of the heterocyclyl radical embraces *inter alia* the 4,5-dihydroisoxazol-3-yl radical and the pyrazole fragment which is substituted in 1 position by a C<sub>1</sub>-C<sub>4 or 8</sub>-moiety. However, the only named compounds are those wherein the alkyl moiety is  $\beta$ -branched or linear.

In contrast to the references, the present invention is directed to 3-(heterocyclyl)-benzoylpyrazoles wherein the pyrazole moiety is linked in 1-position with an  $\alpha$ -branched alkyl radical. In view of this difference, applicants have compared compounds with a linear alkyl radical known of VonDeyn with compounds according to the present invention wherein the respective alkyl radical is  $\alpha$ -branched, such as



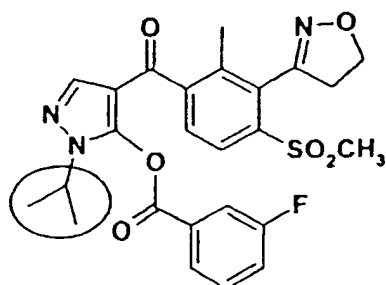
Compound 2.2 of the present invention

versus



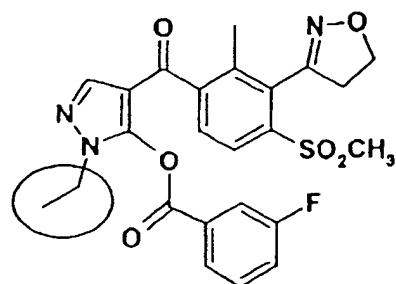
Compound A of von Deyn

or



Compound 2.23 of the present invention

versus



Compound B of von Deyn

The examiner will note that Compound A corresponds to compound 2.69 of WO 98/31682 and compound B is also embraced by this document.

The data of the comparison tests as set forth in the attached declaration of Dr. Witschel clearly show the excellent herbicidal activity of the present compounds. The introduction of an  $\alpha$ -branched alkyl radical in 1 position of the pyrazole leads to compounds with a superior herbicidal activity (annex 1). It follows that the present invention is not obvious.

Four additional compound claims have been added which differ only in the meaning of  $R^7$  ("phenylsulfonyloxy unsubstituted or substituted by ...") has been

canceled) (annex 2).

It is urged that the application is in condition for allowance. Favorable action is solicited.

**A check in the amount of \$930.00 is attached to cover the required three month extension of time fee.**

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

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**MARKED-UP VERSION SHOWING CHANGES MADE**

Cancel claims 8 and 9.

Add new claims 15-18 as follows:

15. (new) A 3-(heterocyclyl)-substituted benzoylpyrazole of formula I as defined in claim

1 wherein

R<sup>7</sup> is hydroxyl, C<sub>1</sub>-C<sub>6</sub>-alkoxy, C<sub>3</sub>-C<sub>6</sub>-alkenyloxy, C<sub>1</sub>-C<sub>6</sub>-alksulfonyloxy, C<sub>1</sub>-C<sub>6</sub>-alkylcarbonyloxy, C<sub>1</sub>-C<sub>6</sub>-alkylthiocarbonyloxy or phenylcarbonyloxy, where the phenyl radical of the last-mentioned substituent may be partially or fully halogenated and/or may carry one to three of the following groups: nitro, cyano, C<sub>1</sub>-C<sub>4</sub>-alkyl, C<sub>1</sub>-C<sub>4</sub>-haloalkyl, C<sub>1</sub>-C<sub>4</sub>-alkoxy or C<sub>1</sub>-C<sub>4</sub>-haloalkoxy.

16. (new) A 3-(heterocyclyl)-substituted benzoylpyrazole of formula I as defined in claim

15 wherein

X is O;

R<sup>1</sup> is C<sub>1</sub>-C<sub>4</sub>-alkyl;

R<sup>6</sup> is C<sub>1</sub>-C<sub>4</sub>-alkylthio or C<sub>1</sub>-C<sub>4</sub>-alkylsulfonyl.

17. (new) A 3-(heterocyclyl)-substituted benzoylpyrazole of formula I as defined in claim

15 wherein

X is O;

R<sup>1</sup> is C<sub>1</sub>-C<sub>4</sub>-alkyl;

R<sup>6</sup> is halogen, nitro, C<sub>1</sub>-C<sub>4</sub>-haloalkyl, C<sub>1</sub>-C<sub>4</sub>-alkoxy or C<sub>1</sub>-C<sub>4</sub>-haloalkoxy.

18. (new) A 3-(heterocyclyl)-substituted benzoylpyrazole of formula I as defined in claim

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15 wherein

X is N(C<sub>1</sub>-C<sub>6</sub>-alkyl).